

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MARCH 6, 2014

The Maple River Water Resource District met on March 6, 2014, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Gerald Melvin, Manager (by telephone); Carol Harbeke Lewis, Secretary-Treasurer; Brittany C. Moen, Administrative Assistant; Sean Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; Pat Downs, Red River Retention Authority; Earl Erdmann, Eldred Township Chairman; Dean Sprunk, Highland Township Chairman; Randy Laufenberg, Clifton Township Chairman; Tom Soucy, Cass County Highway Department; and Rodger Vining, property owner in Casselton Township.

Pontiac Township Improvement District No. 73

Township officials from Clifton, Eldred, Highland and Pontiac Townships were invited to attend the meeting to discuss Pontiac Township Improvement District No. 73. A map of the project was distributed for reference. Mike Opat said that reaches 6 and 7 have been completed on the lower end of the project, and control gates will be installed on those reaches when weather conditions allow.

Mr. Opat distributed a draft *Operation and Maintenance Plan* for review and discussion. He explained the project, and said that it was developed for the purpose of relieving the impacts of high flood waters from a series of sloughs occupying parts of Pontiac, Clifton, Eldred and Highland Townships. The project consists of a series of buried pipes and an open channel that interconnects the sloughs and links them to an outlet leading to the Maple River.

The plan of operation for the project was discussed, particularly the criteria when to open and close the gates on all control structures. Dean Sprunk expressed concern about additional water inundating Highland Township roads for a longer period of time. Mr. Opat pointed out the project is not intended to store water or put roads under water. It will all work as a system or complete pass-through. Mr. Opat will contact Mr. Sprunk with additional information on elevations in the area.

It was agreed to change the date that gates on all control structures shall be closed to March 1st.

The importance of adding a contact list to the *Operation and Maintenance Plan* was discussed. This will keep Township officials up-to-date on the project. Mr. Opat will add a contact list to the plan.

Manager Olson requested the changes discussed be made to the draft *Operation and Maintenance Plan* and that it be sent out to township officials for further review and comment.

Buffalo Creek Watershed Assessment District

Sean Fredricks and Chad Engels attended the last Cass County Commission meeting to discuss the proposed Buffalo Creek Watershed Assessment District. Mr. Engels gave a PowerPoint presentation and explained the assessment process. Mr. Opat reviewed the PowerPoint presentation that will be used at a future hearing and asked for input. The Board will discuss scheduling a hearing on the matter at the next meeting.

Upper Maple River Dam

Mr. Opat updated the Board on issues relating to the Upper Maple River Dam. The project ballots went out on Monday and the hearing for the project will be held on April 2nd at the Page Auditorium. The Cass County Commission will discuss their ballot for the project at their March 17th meeting.

Mr. Opat said the appraisals have been completed on the property needed for the project, and the project permit has been signed and returned from the Corps of Engineers. Manager Suhr contacted the State Water Commission and they are willing to set up a meeting to discuss the project and work through the permit process.

Pat Downs met with the Board to discuss eligibility for cost-share through the Farm Bill Regional Conservation Partnership Program and distributed a breakdown of costs that may be submitted for cost-share.

It was moved by Manager Suhr and seconded by Manager Melvin to submit an application for cost-share on the Upper Maple River Dam Project through the Farm Bill Regional Conservation Partnership Program. Upon roll call vote, the motion carried unanimously.

Upper Swan Creek Channel Improvements

The Board discussed a bridge on Cass County Highway 10 over the Upper Swan Creek Channel that is in need of replacement. Mr. Opat reviewed several options and timelines for repair of the bridge that could coincide with potential channel improvements. The Board directed the Secretary-Treasurer to send a letter to the State Water Commission withdrawing the cost-share application for the Upper Swan Creek Channel Improvements Project, to allow more time for discussion of options. Mr. Olson stated he would like to see something done soon, as farmers in the area are concerned with the disrepair of the crossing. The Board will invite property owners to the next meeting to discuss possible options.

Dike Application #2424 for the North Dakota Department of Transportation in the SW 1/4 SW 1/4 of Section 26 in Casselton Township to realign Cass County Highway 10 with State Highway 18 over the existing levee

The Board directed the Secretary-Treasurer to send a letter to the Office of the State Engineer stating the Board has no comment regarding *Dike Application #2424* for the North Dakota Department of Transportation in the SW 1/4 SW 1/4 of Section 26 in Casselton Township to realign Cass County Highway 10 with State Highway 18 over the existing levee.

Application to Install a Subsurface Drain #20142 for Kasowski Grain Farm, Roger and Darryl Kasowski, in the NW 1/4 and SW 1/4 of Section 24 in Buffalo Township

The Board reviewed *Application to Install a Subsurface Drain #20142* dated February 15, 2014, for Kasowski Grain Farm (Roger Kasowski and Darryl Kasowski). The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the “statewide” elements, therefore, the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer’s Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the NW 1/4 of Section 24 and the N 1/2 SW 1/4 of Section 24 in Buffalo Township, Cass County, North Dakota. The project will include a gravity outlet in the northern portion of the NW 1/4 of Section 24 that will discharge directly into a natural watercourse that flows south through the W 1/2 of Section 24 and into the N 1/2 of Section 25.

Mike Opat reviewed the application and found that the project will discharge directly into a natural watercourse; the USGS identifies the drain or outlet as a natural watercourse. Because the proposed project will discharge directly into a natural watercourse, the application did not require a *Thirty-Day Notice* under N.D. Cent. Code Section 61-32-03.1, and the Board cannot require Applicant to obtain any flowage easements from downstream landowners.

According to records on file with the Cass County Recorder’s Office, Roger Kasowski and Darryl Kasowski own the NW 1/4 of Section 24 and the N 1/2 SW 1/4 of Section 24 in Buffalo Township, where Applicant intends to install and construct the tile system.

It was moved by Manager Suhr and seconded by Manager Melvin to approve *Application to Install a Subsurface Drain No. 20142* dated February 15, 2014, for Kasowski Grain Farm in the NW 1/4 and the N 1/2 SW 1/4 of Section 24 in Buffalo Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;

- 3) That Applicant notify the Maple River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 4) That applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Board; and
- 5) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

State Water Plan for the 2015-2017 biennium – projects / programs to submit

Mr. Opat reviewed a list of projects and programs to submit to the State Water Plan for the 2015-2017 biennium.

Dissemination Agent Agreement with Dougherty & Company LLC

It was moved by Manager Suhr and seconded by Manager Melvin to approve the Dissemination Agent Agreement with Dougherty & Company, LLC. Upon roll call vote, the motion carried unanimously.

Application for Dooley Acres in the SW 1/4 of Section 23 and the NW 1/4 of Section 26 in Gill Township

The Board directed the Secretary-Treasurer to send a letter to the Cass County Planner stating the Board has no comment regarding the application for *Dooley Acres* in the SW 1/4 of Section 23 and the NW 1/4 of Section 26 in Gill Township.

Minutes

It was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to approve the minutes of the February 6, 2014, meeting.

Bills

It was moved by Manager Suhr and seconded by Manager Melvin to add a partial payment to Cass County for a bridge replacement over Drain #14 to the list of bills for consideration. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Melvin and seconded by Manager Suhr to approve payment of Checks #5194 through #5202 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Suhr and Melvin. The Chairman declared the motion passed.

Agricultural Policy Subcommittee update

Manager Olson informed the Board that the Agricultural Policy Subcommittee has hired Watts and Associates, Inc. to help with the issue of crop insurance regarding the Metro Flood Diversion Project. A representative from Watts and Associates, Inc. will be at the next Agricultural Policy Subcommittee meeting on March 12th at 7:00 p.m. at the Cass County Highway Department to discuss the issue further.

Upper Maple River Dam

It was moved by Manager Suhr and seconded by Manager Olson to approve a “yes” vote on the Upper Maple River Dam ballots for Drains #46 and #56. Upon roll call vote, Managers Olson and Suhr voted in favor. Manager Melvin was absent. Motion carried.

Adjournment

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer